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8 Attorneys on behalf of Plaintiff

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11 IN THE UNITED STATES DISTRICT COURT
12 FOR THE DISTRICT OF ARIZONA

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14 IN RE BARD IVC FILTERS PRODUCTS
15 LIABILITY LITIGATION

16 No. 2:15-MD-02641-DGC
17 AMENDED SECOND AMENDED MASTER
18 SHORT FORM COMPLAINT FOR DAMAGES
19 FOR INDIVIDUAL CLAIMS AND DEMAND FOR
20 JURY TRIAL

21 This Document Pertains to Member Case:
22 2:17-cv-00722-DGC

23 Plaintiff(s) named below, for their Complaint against Defendants named below,
24 incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).
25 Plaintiff(s) further show the Court as follows:

26 1. Plaintiff/Deceased Party:

27 Robert Howie

28 2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of
consortium claim:

Amy Howie

1. Other Plaintiff and capacity (i.e., administrator, executor, guardian,
2. conservator):

N/A

1. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence
2. at the time of implant:

Mississippi Arkansas

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

Mississippi

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

Mississippi

7. District Court and Division in which venue would be proper absent direct filing:

United States District Court Northern District of Mississippi

8. Defendants (check Defendants against whom Complaint is made):

C. R. Bard Inc.

 Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

Diversity of Citizenship

Other:

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

A substantial portion of events leading to Plaintiff's injuries arose in Mississippi making jurisdiction and venue proper.

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

□ Recovery® Vena Cava Filter

 G2® Vena Cava Filter

G2® Express Vena Cava Filter

G2® X Vena Cava Filter

Eclipse® Vena Cava Filter

□ Meridian® Vena Cava Filter

□ Denali® Vena Cava Filter

Other:

11. Date of Implantation as to each product:

On or about December 8, 2005.

12. Counts in the Master Complaint brought by Plaintiff(s):

- Count I: Strict Products Liability – Manufacturing Defect
 - Count II: Strict Products Liability – Information Defect (Failure to Warn)
 - Count III: Strict Products Liability – Design Defect
 - Count IV: Negligence - Design
 - Count V: Negligence - Manufacture
 - Count VI: Negligence – Failure to Recall/Retrofit
 - Count VII: Negligence – Failure to Warn
 - Count VIII: Negligent Misrepresentation
 - Count IX: Negligence *Per Se*
 - Count X: Breach of Express Warranty
 - Count XI: Breach of Implied Warranty
 - Count XII: Fraudulent Misrepresentation
 - Count XIII: Fraudulent Concealment
 - Count XIV: Violations of Applicable Mississippi (insert state) Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade Practices
 - Count XV: Loss of Consortium
 - Count XVI: Wrongful Death
 - Count XVII: Survival
 - Punitive Damages

Other(s): _____ (please state the facts supporting this Count in the space immediately below)

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13. Jury Trial demanded for all issues so triable?

Yes

□ No

RESPECTFULLY SUBMITTED this 2nd day of June, 2017.

By: /s/ Eric Roslansky
The Ruth Law Team
P.O. Box 16847
St. Petersburg, FL 33733

I hereby certify that on this 2nd day of June, 2017, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

/s/ Eric Roslansky